

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Nehemiah Devince Brock v. The State of Florida

No. 3D24-0393 (Fla. 3d DCA July 23, 2025) · No. No. 3D24-0393 · Decided July 23, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the denial of Nehemiah Devince Brock's motion to suppress a firearm recovered during an investigatory stop. The court held that the officers had reasonable suspicion based on the totality of the circumstances, including the location, Brock's conduct, his apparent age, and the apparent firearm outline in his hoodie pocket. The court noted, but did not decide, potential constitutional implications of Florida's age restriction on carrying concealed firearms.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Gordo, J.; Bokor, J.; Gooden, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 23, 2025
DOCKET	No. 3D24-0393
DISPOSITION	affirmed
PROCEDURAL POSTURE	Brock appealed from a final judgment of conviction and sentence following the denial of his motion to suppress a firearm. He subsequently pleaded guilty to the lesser offense of openly carrying a weapon, received a withhold of adjudication, and was placed on probation.
STANDARD OF REVIEW	The trial court's factual findings on a motion to suppress are reviewed for competent, substantial evidence, while its legal determinations are reviewed de novo. The appellate court gives great deference to the trial court's credibility findings and interprets the evidence and reasonable inferences in the manner most favorable to sustaining the ruling.
PRECEDENTIAL VALUE	Published intermediate appellate opinion
PARTIES	Nehemiah Devince Brock v. The State of Florida

TOPICS

suppression of evidence

fourth amendment

search and seizure

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the officers had reasonable suspicion under the totality of the circumstances to conduct an investigatory stop and limited pat-down search of Brock.
2. Whether the trial court's denial of Brock's motion to suppress was supported by competent, substantial evidence and legally correct.

HOLDINGS

1. The officers had the requisite reasonable suspicion to conduct the investigatory stop and limited pat-down because the totality of the circumstances, including the location, date, Brock's apparent age and nervousness, his hoodie and conduct, and the apparent outline of a firearm, supported suspicion that criminal activity was occurring or was about to occur.
2. The trial court properly denied Brock's motion to suppress, and the denial was affirmed.

KEY QUOTATIONS

“The trial court’s factual findings ‘will be upheld if supported by competent, substantial evidence, while the court’s legal determinations are reviewed de novo.’” (4)

“To justify an investigatory stop, the police must have a reasonable suspicion that a crime has occurred or is about to occur, based on the totality of the circumstances” (4)

“Because principles of judicial restraint counsel against addressing issues which are not squarely presented by the parties, we leave the resolution of this issue to another day.” (6)

FACTUAL BACKGROUND

On July 4, 2023, Miami-Dade police officers patrolling a high-crime area observed Brock standing beside a vehicle that partially blocked a sidewalk. Brock appeared young and nervous, wore a hoodie on a hot day, clutched the hoodie's front pocket near his waistband, and adjusted the pocket before walking away as officers approached. An officer observed what appeared to be the outline of a firearm and conducted a limited pat-down, recovering a firearm; Brock stated that he was nineteen. The trial court credited the officers and denied suppression.

PROCEDURAL HISTORY

Miami-Dade police officers conducted a pat-down search of Brock after observing circumstances they believed created reasonable suspicion that he was carrying a concealed firearm while underage. The trial court credited the officers' testimony, reviewed body-camera footage, and denied Brock's motion to suppress. Brock pleaded guilty to the lesser offense, and the Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Williams v. State, 146 So. 3d 1267, 1269 (Fla. 3d DCA 2014)
- Valle v. State, 70 So. 3d 530, 541 (Fla. 2011)
- Durousseau v. State, 55 So. 3d 543, 562 (Fla. 2010)
- Burnett v. State, 246 So. 3d 516, 517 (Fla. 5th DCA 2018)
- Vangansbeke v. State, 223 So. 3d 384, 386 (Fla. 5th DCA 2017)
- State v. Quinn, 41 So. 3d 1011, 1013 (Fla. 5th DCA 2010)
- Hernandez v. State, 784 So. 2d 1124, 1126 (Fla. 3d DCA 1999)
- D.B.P. v. State, 31 So. 3d 883, 884-85 (Fla. 5th DCA 2010)
- Ladson v. State, 63 So. 3d 807, 810 (Fla. 3d DCA 2011)
- State v. Jennings, 189 So. 3d 1001, 1002 (Fla. 4th DCA 2016)
- State v. Turner, 224 So. 2d 290, 291 (Fla. 1969)